

### **Remarks**

Claims 15, 17 and 19-23 are pending in the present application. Claim 1-14, 16 and 18 have been cancelled. Claims 15 and 20 are independent claims. By this reply, claims 20-23 have been added.

### **Allowable Subject Matter and New Claims**

Claim 16 has been indicated as being objected to, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, independent claim 15 has been amended to incorporate therein allowable claim 16. Therefore, claim 15 and its dependent claims 17 and 19 are allowable over the prior art of record.

New claims 20-23 are method claims generally corresponding to now allowable apparatus claims 15, 17 and 19. New claim 21-23 depend from now allowable claims 20. Therefore, these new claims are also allowable over the prior art of record.

Accordingly, all of the pending claims are now allowable over the prior art of record and this places the application in condition for allowance.

### **Claim Objection**

Claims 3, 5, 6, 11-17 and 19 have been objected to because of certain minor informalities. Regarding independent claim 15, the Examiner states that "the ultimate paragraph is a means". Applicant does not understand this statement since claim 15 recites three separate elements: a pickup, a moving

unit and a controller. There is no recitation of “means”. The controller provides a plurality of functions as claimed, which are fully supported by the original disclosure. For example, the specification on page 7, line 28-page 9, line 25 describes one example wherein the microcomputer 36 carries out certain functions.

Regarding claim 19, the recited features further limit the claim in that it specifies a location in which the data recording information is provided and the elements of claim 15 provide operations and features associated with this data recording information.

Thus, the objection has been overcome and should be withdrawn.

**35 U.S.C. § 112, first paragraph, Rejection**

Claims 2 and 17 have been objected to under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Claim 17 has been amended to clarify the invention according to the original disclosure. Accordingly, the rejection is improper and should be withdrawn.

**35 U.S.C. § 112, second paragraph, Rejection**

Claims 5, 6 and 11-14 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. These claims have been cancelled to expedite prosecution. Accordingly, the rejection is moot and should be withdrawn.

**35 U.S.C. § 103 Rejection**

Claims 1-4, 7-9, 15, 17-19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hong et al. further considered with Udagawa. This rejection is respectfully traversed.

Without acquiescing to any of the Examiner's allegations made in rejecting these claims, to expedite prosecution only, independent claim 15 has been amended to incorporate therein allowable claim 16. Thus, claim 15 and its dependent claims 17 and 19 are allowable over the prior art of record. Other claims have been cancelled. Thus, the rejection is moot and should be withdrawn.

**Conclusion**

For the foregoing reasons and in view of the above clarifying amendments, the Examiner is respectfully requested to reconsider and withdraw all of the objections and rejections of record, and an early issuance of a Notice of Allowance is respectfully requested.

The Examiner is respectfully requested to enter this Amendment After Final Rejection, in that it raises no new issues but merely places the claims in a form more clearly patentable over the references of record. In the alternative, the Examiner is respectfully requested to enter this Amendment After Final Rejection in that it reduces the issues for appeal.

Should there be any matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong (Registration No. 40,953) at the telephone number of the undersigned below.

Applicant(s) respectfully petitions under the provisions of 37 C.F.R. § 1.136(a) and 1.17 for a three-month extension of time in which to respond to the Examiner's Office Action in the concurrently filed Notice of Appeal. **The required fee has been paid in connection with the proper filing of this Notice of Appeal.**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time use.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Esther H. Chong  
Esther H. Chong, #40,953  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000